



Federal Communications Commission  
Washington, D.C. 20554

April 2, 2019

Beryl Lipton  
MuckRock news  
DEPT MR 70818  
411A Highland Ave  
Somerville, MA 02144  
*Via e-mail to 70818-74387103@requests.muckrock.com*

Re: FOIA Control No. 2019-331

Ms. Lipton:

This letter responds to your Freedom of Information Act (FOIA) request for various reports and statistics regarding the Commission's FOIA process. Your request has been assigned FOIA Control No. 2019-331. We address each element of your request in turn.

"[A]ll budget materials or plans applicable to offices responsible for processing and response to FOIA requests and appeals."

The Commission does not have a central office responsible for processing FOIA requests, but rather requests are handled by the individual bureaus and offices who are custodians for the given responsive records. As such, there is no separate budget for the Commission's FOIA office. Information regarding the Commission's agency budget can be found at <https://www.fcc.gov/about/strategic-plans-budget>, as well as in the corresponding appropriations bills from Congress.

"[S]taffing reports and plans, including the count of employee numbers and for offices responsible for processing and responses to FOIA requests and appeals submitted to this Bureau and its offices."

Information regarding the number of staff involved in the handling of FOIA requests and appeals is contained in the Commission's annual FOIA report, available at <https://www.fcc.gov/general/foia-reports>. However, the Commission only tracks this information at an agency-level basis; we do not keep statistics for each bureau and office. Furthermore, the Commission does not maintain such staffing reports or plans.

"[C]ontact information, including email addresses and phone numbers (if available), for each FOIA officer currently tasked with an open public records request."

The Commission does not maintain a specific record listing the contact information of each staff member currently working on a FOIA request. The Commission's FOIA public liaison, Stephanie Kost, can be reached at [stephanie.kost@fcc.gov](mailto:stephanie.kost@fcc.gov) or by phone at

202-418-1379. General contact information for other Commission staff can be viewed at <https://www.fcc.gov/about-fcc/finding-people-fcc>.

“[T]he designated category of each requester of a FOIA request to this office.”

The Commission does not maintain a report capturing such information, and thus has no records responsive to this portion of your request.

“[T]he number of fee waivers granted by this office and, if available, the tracking numbers for the FOIA requests to which waivers were granted”

We provide you with a copy of the Commission’s fee waiver report for January 1, 2017-December 31, 2018.

“[A]ny report capturing the following information:

\* total estimated processing and copy fees quoted to FOIA requesters

\* total processing and copy fees collected by this Bureau from each fee category”

The annual FOIA report contains the total fees collected for a given fiscal year. Those reports are available at <https://www.fcc.gov/general/foia-reports>. Beyond this, the Commission does not maintain a report tracking the information you have requested, and thus has no records responsive to this portion of your request.

We are required by both the FOIA and the Commission’s own rules to charge requesters certain fees associated with the costs of searching for, reviewing, and duplicating the sought after information.<sup>1</sup> To calculate the appropriate fee, requesters are classified as: (1) commercial use requesters; (2) educational requesters, non-commercial scientific organizations, or representatives of the news media; or (3) all other requesters.<sup>2</sup>

Pursuant to section 0.466(a)(8) of the Commission’s rules, you have been classified for fee purposes as category (3), “all other requesters.”<sup>3</sup> As an “all other requester,” the Commission assesses charges to recover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request; however, you are entitled to be furnished with the first 100 pages of reproduction and the first two hours of search time without charge under section 0.470(a)(3)(i) of the Commission’s rules.<sup>4</sup> The production did not involve more than 100 pages of duplication and took less than two hours of search time. Therefore, you will not be charged any fees.

If you consider this to be a denial of your FOIA request, you may seek review by filing an application for review with the Office of General Counsel. An application for review

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<sup>1</sup> See 5 U.S.C. § 552(a)(4)(A), 47 C.F.R. § 0.470.

<sup>2</sup> 47 C.F.R. § 0.470.

<sup>3</sup> 47 C.F.R. § 0.466(a)(8).

<sup>4</sup> 47 C.F.R. § 0.470(a)(3)(i).

must be *received* by the Commission within 90 calendar days of the date of this letter.<sup>5</sup> You may file an application for review by mailing the application to Federal Communications Commission, Office of General Counsel, 445 12<sup>th</sup> St SW, Washington, DC 20554, or you may file your application for review electronically by e-mailing it to [FOIA-Appeal@fcc.gov](mailto:FOIA-Appeal@fcc.gov). Please caption the envelope (or subject line, if via e-mail) and the application itself as “Review of Freedom of Information Action.”

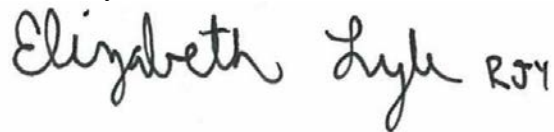
If you would like to discuss this response before filing an application for review to attempt to resolve your dispute without going through the appeals process, you may contact the Commission’s FOIA Public Liaison for assistance at:

FOIA Public Liaison  
Federal Communications Commission, Office of the Managing Director,  
Performance Evaluation and Records Management  
445 12<sup>th</sup> St SW, Washington, DC 20554  
202-418-0440  
[FOIA-Public-Liaison@fcc.gov](mailto:FOIA-Public-Liaison@fcc.gov)

If you are unable to resolve your FOIA dispute through the Commission’s FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road–OGIS  
College Park, MD 20740-6001  
202-741-5770  
877-684-6448  
[ogis@nara.gov](mailto:ogis@nara.gov)  
[ogis.archives.gov](http://ogis.archives.gov)

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Lyle" followed by a small mark that appears to be "R01".

Elizabeth Lyle  
Assistant General Counsel

Enclosures  
cc: FCC FOIA Office

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<sup>5</sup> 47 C.F.R. §§ 0.461(j), 1.115; 47 C.F.R. § 1.7 (documents are considered filed with the Commission upon their receipt at the location designated by the Commission).